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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/602,140	06/23/2003	Kazuyoshi Tanaka	KOY-0006	2423												
7590 Michael A. Cantor 55 Griffin South Road Bloomfield, CT 06002		06/08/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">DICKERSON, CHAD S</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2625</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>06/08/2007</td><td>PAPER</td></tr></table>		EXAMINER		DICKERSON, CHAD S		ART UNIT	PAPER NUMBER	2625		MAIL DATE	DELIVERY MODE	06/08/2007	PAPER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/602,140	Applicant(s) TANAKA ET AL.	
	Examiner Chad Dickerson	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/23/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 12-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Note: Examiner corresponded with applicant on 4/30/2007 in regards to an informality in the claim listing of the groups in the restriction. The groups were renumbered to reflect the following: Group I, claims 1-11 and Group II, claims 12-40.

1. Applicant's election with traverse of Group I, claims 1-11 in the reply filed on 5/17/2007 is acknowledged. The traversal is on the ground(s) that no "serious burden" is present in examining the small number of claims 10-40 as well. This is not found persuasive because claim 1 in Group I has the feature of both a determined data providing section and a determined data obtaining section, while in Group II, the determined data providing section is in one apparatus and the data obtaining section is in another apparatus. In Group II, two image forming apparatuses communicate with one another, since one sends information and the other receives information. This is different from Group I since the image forming apparatus has the one image forming apparatus that has the ability to both send and receive a request. Despite the Groups being related with certain features, the Groups are different by the arrangement of the features in Group II and therefore, are distinct inventions. Because of this distinction, the search would cause an undue burden on the Examiner with the task to find not only the independent claim feature in Group I, but having to find the arrangement of features in multiple printers in Group II.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "112" has been used to designate both the network I/F in printer (10) and network I/F in printer (102).
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:
 - On page 12, line 16: the word "fist" should be -- first --.
 - On page 14, lines 6 and 19: the word "fist" should be -- first --.
 - On page 21, lines 24: the word "fist" should be -- first --.
 - On page 25, 18: the word "fist" should be -- first --.
 - On page 30, lines 8: the word "fist" should be -- first --.
 - On page 50, line 4: the figure number "202-0" should be -- 202-N--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 8 and 11 rejected under 35 U.S.C. 102(e) as being anticipated by Morita et al (US Pat No 6934042).

Re claim 1: Morita '042 discloses an image processing apparatus connectable to network comprising:

a storage (411) for storing determined data for controlling image formation (i.e. the memory (411) stores data an application program that is a form of data that controls the processing of data for a particular purpose; see fig. 3; col. 4, lines 41-57);

a determined data providing section for performing a processing concerning a predetermined request (i.e. the function management table (414) in the memory (411) is referred to by the general controller (401) to decide whether a request to use a particular processing is able to be used by the external apparatus. The request sent from an external apparatus is considered as a predetermined request; see fig. 3; col. 5, lines 11-23);

a determined data obtaining section for making the predetermined request (i.e. the general controller (401) can make requests of a certain processing to occur. The function management controller (414) is referred to in order to see if the original apparatus can perform the request before requesting another apparatus to perform an instructed request; see fig. 3; col. 5, lines 4-23); and

a controller (401) for controlling the determined data providing section and the determined data obtaining section (i.e. the controller (401) controls the apparatus when processing data, according to a request, is obtained or when a controller is making a request of another apparatus; see fig. 3; col. 4, lines 39-67 and col. 4, lines 1-23).

Re claim 2: Morita '042 discloses the apparatus, further comprising an operation selecting section for selecting any one of the determined data providing section (414) and the determined data obtaining section (414) to be operated (i.e. the panel operation allows the controller (401) to instruct a certain processing with the original apparatus. Also, the panel operation does allow an instruction or request to print information at an external apparatus. The controller (401) may choose to send a request to have an external apparatus perform processing or to process a request by the controller (401) referring to the function management table (414) to ensure if the requested processing is available; see col. 4, lines 58-67; col. 5, lines 1-23 and col. 9, lines 1-45).

Re claim 3: Morita '042 discloses the apparatus, wherein the determined data include at least one of data concerning an operation of the apparatus, an apparatus adjustment value of the apparatus, data concerning a user of the apparatus and a registered mail addresses (i.e. the information sent to and from an external apparatus deals with the operation of the external or original apparatus. Also, with certain data, a particular application program may be needed to process the data. This is considered an adjustment of the apparatus; see col. 4, lines 47-67 and col. 5, lines 1-23).

Re claim 4: Morita '042 discloses the apparatus, wherein the determined data obtaining section transfers the determined data from or to an external image forming apparatus (i.e. information sent to change or alter the operation of another apparatus is transmitted from the controller (401) when it is determined that the function management table has determined a certain current processing can or cannot be used; see col. 5, lines 4-23 and col. 9, lines 1-59).

Re claim 5: Morita '042 discloses the apparatus, wherein the operation selecting section is an operation section comprising at least one of a touch panel (421), an operation key (422) and a pointing device (i.e. the display panel (421) and buttons (422) are considered as apart of the operating panel; see fig. 3; col. 4, lines 17-40).

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Re claim 6: Morita '042 discloses the apparatus, wherein the determined data obtaining section performs an operation for transferring the determined data to an external image forming apparatus (i.e. the controller (401) can be instructed to transmit data used to perform processing, or an application program, to an external apparatus; see col. 4, lines 41-67; col. 5, lines 1-23 and col. 9, lines 1-59), and an operation for making the external image forming apparatus transfer determined data stored in the external image forming apparatus (i.e. if an application program is needed to process an image resides in another apparatus, the system allows an external apparatus to transmit the application program to the apparatus without the appropriate program, to use the program for image processing; see fig. 8; col. 9, lines 1-59 and col. 10, lines 10-19), and

the operation selecting section selects any one of the operations (i.e. the controller (401) recognizes instructions from the panel (421) and the buttons (422) to perform processing in the above manners; see col. 9, lines 1-59).

Re claim 8: Morita '042 discloses the apparatus, wherein the storage (411) comprises a nonvolatile memory (i.e. the digital copying machines are all configured to have memory (411); see fig. 3; col. 4, lines 17-46), and the processing concerning the predetermined request includes a processing for rewriting determined data stored in the nonvolatile memory (i.e. the original memory of an external apparatus does not have a application program for a particular use. The external apparatus utilizes this application program through another apparatus and can rewrite the memory within the external apparatus

when it has enough memory capacity and adds the application program to the external apparatus; see col. 4, lines 58-67 and col. 5, lines 1-3).

Re claim 11: Morita '042 discloses an image processing apparatus connectable to network comprising:

a storage (411) for storing determined data for controlling image formation (i.e. the memory (411) stores data an application program that is a form of data that controls the processing of data for a particular purpose; see fig. 3; col. 4, lines 41-57);

a determined data providing section for performing a processing concerning a predetermined request (i.e. the function management table (414) in the memory (411) is referred to by the general controller (401) to decide whether a request to use a particular processing is able to be used by the external apparatus; see fig. 3; col. 5, lines 11-23);

a determined data obtaining section for making the predetermined request (i.e. the general controller (401) can make requests of a certain processing to occur. The function management controller (414) is referred to in order to see if the original apparatus can perform the request before requesting another apparatus to perform an instructed request; see fig. 3; col. 5, lines 4-23); and

a controller (401) for controlling the determined data providing section and the determined data obtaining section (i.e. the controller (401) controls the apparatus when

processing data according to a request or when a controller is making a request of another apparatus; see fig. 3; col. 4, lines 39-67 and col. 4, lines 1-23), wherein the plurality of image forming apparatuses are connected to the other through a network cable (17) (i.e. a plurality of image forming apparatuses are connected through a network (17). It does not necessarily have to be a network cable for the apparatuses to be connected; see fig. 1; col. 3, lines 4-27).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7, 9 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Morita '042 in view of Yamada et al (US Pub No 2001/0055125).

Re claim 7: Morita '042 teaches the apparatus, further comprising a determined data transfer section for transferring the determined data to a plurality of external image forming apparatuses (i.e. in the system, there are a plurality of image forming apparatuses to send data to and from. Although a determined data transfer section is not specifically disclosed, the feature of transferring data to a plurality of image forming apparatuses is performed; see fig. 1; col. 3, lines 4-19 and col. 4, lines 17-67).

However, Morita '042 fails to teach transferring the determined data to a plurality of external image forming apparatuses in order.

However, this is well known in the art as evidenced by Yamada et al. Yamada et al discloses transferring the determined data to a plurality of external image forming apparatuses in order (i.e. with a system having multiple image forming apparatuses, then transmission of information arranged in the order of transmission; see paragraph [0083]).

Therefore, in view of Yamada et al, it would have been obvious to one of ordinary skill at the time the invention was made to have determined data transferred to a plurality of external image forming apparatuses in order incorporated in the device of Morita '042 in order to arrange information in the order of transmission (as stated in Yamada et al paragraph [0083]).

Re claim 9: Morita '042 teaches the apparatus, wherein the determined data providing-section includes a server program for performing a processing concerning the predetermined request requested by an external client (i.e. the image forming apparatuses perform processing by searching for an application program on the memory (411) of the apparatus and transmitting that program to another image forming apparatus. The first image forming apparatus may act as a server since it has the application program desired by the second apparatus; see col. 4, lines 47-67 and col. 5, lines 1-23), and the determined data obtaining section includes a client program for making the predetermined request to an external server (i.e. either the first image forming apparatus or the external apparatus can perform as the client program and

make a request for the use of an application program; see col. 4, lines 47-67 and col. 5, lines 1-23).

However, Morita '042 fails to teach the determined data providing-section includes a HTTP server program for performing a processing concerning the predetermined request requested by an external HTTP client, and the determined data obtaining section includes a HTTP client program for making the predetermined request to an external HTTP server.

However, this is well known in the art as evidenced by Yamada et al. Yamada et al discloses the determined data providing-section includes a HTTP server program for performing a processing concerning the predetermined request requested by an external HTTP client (i.e. the server (31) is accessible through the internet by the client (21). The client (21) provides job information to the server (31)), and the determined data obtaining section includes a HTTP client program (21) for making the predetermined request to an external HTTP server (31) (i.e. the client computer (21) with a program to place job information on the server (31); see fig. 1; paragraphs [0034]-[0037]).

Therefore, in view of Yamada et al, it would have been obvious to one of ordinary skill at the time the invention was made to have the determined data providing-section includes a HTTP server program for performing a processing concerning the predetermined request requested by an external HTTP client, and the determined data obtaining section includes a HTTP client program for making the predetermined request

to an external HTTP server in order to have a image forming apparatus transmit and receive information through the internet (as stated in Yamada et al paragraph [0023] and [0026]).

Re claim 10: Morita '042 discloses teaches the apparatus, wherein the apparatus is realizable of communication with an external data processing apparatus (15) and the external server (i.e. with the external server being analogous to the image forming apparatus, since the apparatus stores information accessible to other apparatuses through the network (17), then the above feature is performed. Also, the server (15) is accessible by the same image forming apparatus (11) through the network (17); see col. 3, lines 4-19 and col. 8, lines 28-46).

However, Morita '042 discloses fails to teach the apparatus is realizable of communication with an external data processing apparatus and the external HTTP server according to the HTTP.

However, this is well known in the art as evidenced by Yamada et al. Yamada et al discloses the apparatus is realizable of communication with an external data processing apparatus and the external HTTP server (11) according to the HTTP (i.e. the server (31) communicates through the internet (N) to the other processing devices (11) through a proxy server (12); see fig. 1; paragraphs [0022]-[0026]).

Therefore, in view of Yamada et al, it would have been obvious to one of ordinary skill at the time the invention was made to have the apparatus realizable of communication with an external data processing apparatus and the external HTTP

server according to the HTTP in order to have the image forming apparatus transmit information to a server through the internet (as stated in Yamada et al paragraph [0025] and [0026]).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Dickerson whose telephone number is (571)-270-1351. The examiner can normally be reached on Mon. thru Thur. 9:00-6:30 Fri. 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571)- 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CD/ 
Chad Dickerson

May 25, 2007


AUNG S. MOE
SUPERVISORY PATENT EXAMINER
6/11/07